

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Robert L. Collins Bey,
Plaintiff,

CASE NO. 3:13-CV-618-Jdp

VS.

TIM HAINES, PETER HUIBREGTSE,
MICHAEL MEISNER, TONY ASHWORTH,
MARY MILLER, CINDY SAWINSKI,
KAREN ANDERSON, CYNTHIA M. THORPE,
DR. JAMES THORPE, DR. JAMES WOMMACK,
DR. WILLIAM GISWOLD, DR. TOM BOSTON,
GARY BOUGHTON, AND MAN LEE,

Defendants.

FILING, THE NOTICE OF APPEAL PURSUANT TO FEDERAL
RULES OF APPELLATE PROCEDURE, AND THE
SEVENTH CIRCUIT RULES

NOW come Plaintiff Robert L. Collins Bey Hence forth (Collins Bey)
A (Pro Se Prisoner Litigate). And move this Court to recognize as
Timely, The filing of his "Notice of Appeal"; AS dictated pursuant
To the federal Rules of Appellate Procedure 3: Rule 3. Appeal
as of Right- How Taken... And pursuant To The Circuit Rules of
The united states court of Appeals for The Seventh Circuit 3:
Circuit Rule 3.

1.) Plaintiff Collins Bey, here and Now assert That on September
30th, 2016 That District Judge JAMES D. PETERSON issued an
"OPINION and ORDER", Partially granting Defendant's
Motion for Summary Judgment [SEE OKT. #80]... And on

November 16th, 2018 District Judge Peterson issued a "final -- ORDER" fully granting defendant's motion for summary judgment, [SEE Dkt. #80].

Now it is Plaintiff Collins Bey's intention to "Bring up For Review, The Entire-Record" Against "Each-individual Defendant" in This Civil Action.

Because District Judge Peterson ^{has} blatantly abused! his discretion a "multitud of Times" Thru-out These legal Proceedings, Just To reach his own desired conclusion. District Judge Peterson, has disregarded The factual evidence, That Support a genuine issue of material fact in favor of The nonmoving party.; He has disregarded Totally "Quoted Superior, case law" in plaintiff's motion(s), Brief/Memorandum of law.; He has Denied, "Pertinent motion(s)" without any "legal" opinion, or "Citation of case law", Just a Simple Denied.; He has reduced Eight(8) defendants, To Two(2) in The official capacity claim, without any legal reasoning what-so-ever.; He has dismissed individual defendant(s) from The case, and left NO! "individual-Precise" reasoning for doing so. He has allowed The Defendant's legal counsel To Violate The Rules, Of The Federal Rules of Civil Procedure. By allowing Counsel To Submit "false-Responses" and unsigned "Interrogatories" To The court and Plaintiff... And Then "withdraw-defendant Miller's interrogatories" on The grounds That She is "Permanent!..." incapacitated... And Then a few months later, Then allow This "Same" Defendant To Submit To The Court

A "Signed Declaration" in support of Defendant's motion for Summary Judgment; He has in fact allowed The Defendants "Three (3)" Opportunities! To file a Motion For Summary Judgment, When The Time had Passed for both Parties to ~~File~~ any Dispositive motions, From The "initial-Pretrial conference ORDER". Judge Peterson ORDER a Second conference To "re-Set The Schedule for The remainder of The proceedings in This lawsuit", but The Plaintiff Collins Bey was "Not..." Present as a Right by law, To object! To The Defendants getting a Second kick-at-The-can for Summary Judgment.

And it is in part, For The before mention fact(s) That The Plaintiff Collins Bey ask The Appellate Court To review The entire-record(s) of This case.

CIRCUIT RULE 3. DOCKETING Fee(b)...

2.) (b): Dismissal of Appeal for failure To pay Docketing fee. Normally, an Appellant is required To pay The Docketing fee within 14 day after docketing. And if The Appellant fails To do so, The clerk is authorized To dismiss The Appeal... However; Plaintiff Collins Bey was and still remain an "indigent pro se litigate", and The District Court in This case allowed him To proceed in forma pauperis. And in Accordance with The Federal Rule of Appellate

Procedure 24:

RULE 24. Proceeding In forma pauperis.

[SEE] SubSection(3): Prior Approval.

"A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate ~~and~~ defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

- (A) The district court before or after the notice of appeal is filed certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding; or
- (B) a statute provides otherwise."

Plaintiff Collins ~~may~~ assert that this appeal is truly needed because his dental health is still at RISK!... And that Defendant man Lee has submitted "false"; Dental Performance Measures Reports/EXHIBIT 1004" to gain the district court's favor in granting them their motion for summary judgment. In according to Defendant's exhibit 1004-024; The "urgent" waitlist, "in days" are (0) zero!... Plaintiff has one maybe two teeth that need to be pulled/extract... And Plaintiff has been waiting in "pain", Since November 09th, 2018

[SEE] Plaintiff Collins Bey's Exhibit: R-1 and R-2.... And as of the writing of this Notice of Appeal, its been 33 days and Plaintiff still has not been seen by Dental Service at W.S.P.F..

Now either the Defendants' exhibit is false, or the Plaintiff is being discriminated against?...

3.) All of the exhibits that are attached/incorporated into this of Appeal, are an exact copy of those found in the official record(s).

I, am a Pro Se Prisoner litigant with mental issues, and currently on two separate psych medication. And this is the best I can do without the assistance of legal counsel.

I, declare pursuant to 28 U.S.C. § 1746 and under the penalty of Perjury that all fact(s) contain herein are true and correct as written.

Robert L. Collins Bey

Pro Se litigant
Robert L. Collins Bey
#: 84404; W.S.P.F.
1101 Morrison Drive
P.O. Box 1000
Roscobel, WI 53805

PATIENT COMMUNICATION

PATIENT NAME (Last, First)

Collins, Robert

DOC NUMBER

FACILITY NAME

DOC # 084404 DOB: [REDACTED] /62

WSRS

☐ You are scheduled for a:

You must follow the following instructions:

☐ Follow directions below if this box is checked

As of

- No naps.
- No caffeine products such as coffee, tea, canned soda or chocolate.

☐ Follow directions below if this box is checked

As of

- No aspirin.
- No non-steroidal anti-inflammatory medications such as ibuprofen, Naproxen, Meloxicam.

☐ Follow directions below if this box is checked

- Nothing to eat or drink starting:

☐ Follow directions below if this box is checked

- Clear liquids only starting

DIRECTIONS FOR MEDICATIONS

☐ The following medication(s) has/have been discontinued. Please stop taking the medication(s) and return the medication(s) to the HSU:

NEW MEDICATION(S)

☒ You have new medication.☒ The medication is: Salt Swish☒ You should take this medication: at night☒ The medication is for: tooth pain☒ Your medication is kept on your person☐ Your medication is kept by staff (staff controlled)☐ Your medication has been ordered from the pharmacy. If you do not get your medication within 7 days, notify the HSU☒ You have new medication.☐ The medication is: ibuprofen☐ You should take this medication: 1-2 pills every 6 hrs as needed☒ The medication is for: tooth pain☐ Your medication is kept on your person☐ Your medication is kept by staff (staff controlled)☐ Your medication has been ordered from the pharmacy. If you do not get your medication within 7 days, notify the HSU

LABORATORY / IMAGING TEST RESULTS

You recently had ☐ Lab Work ☐ Diagnostic Imaging☐ Your results were reviewed and are considered normal. No follow-up is needed.☐ We will continue to see you through chronic care.☐ Your results are abnormal and a follow-up appointment will be scheduled to discuss your plan of care.☐ You need to be aware of the following:

SIGNATURE OF HSU STAFF

[Signature]

DATE SIGNED

11/09/18

EXHIBIT: A-1.

PATIENT COMMUNICATION

PATIENT NAME

Collins, Robert

DOC NUMBER

FACILITY NAME

DOC # 084404 DOB: [REDACTED]/62

WSRS

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- Nothing to eat or drink starting:

☐ Follow directions below if this box is checked

- Clear liquids only starting

DIRECTIONS FOR MEDICATIONS

☐ The following medication(s) has/have been discontinued. Please stop taking the medication(s) and return the medication(s) to the HSU:

NEW MEDICATION(S)

☒ You have new medication.☒ The medication is: Oruvel☒ You should take this medication: NO more than 4 times a day☒ The medication is for: tooth pain☒ Your medication is kept on your person☐ Your medication is kept by staff (staff controlled)☐ Your medication has been ordered from the pharmacy. If you do not get your medication within 7 days, notify the HSU☐ You have new medication.☐ The medication is:☐ You should take this medication:☐ The medication is for:☐ Your medication is kept on your person☐ Your medication is kept by staff (staff controlled)☐ Your medication has been ordered from the pharmacy. If you do not get your medication within 7 days, notify the HSU

LABORATORY / IMAGING TEST RESULTS

You recently had ☐ Lab Work ☐ Diagnostic Imaging☐ Your results were reviewed and are considered normal. No follow-up is needed.☐ We will continue to see you through chronic care.☐ Your results are abnormal and a follow-up appointment will be scheduled to discuss your plan of care.☐ You need to be aware of the following:

SIGNATURE OF HSU STAFF

[Signature]

DATE SIGNED

11/09/18

DISTRIBUTION: Original - Medical Chart, Correspondence Section; Copy - Patient

EXHIBIT: A-2.

Dental Performance Measures

Goal (in weeks) = <

Year

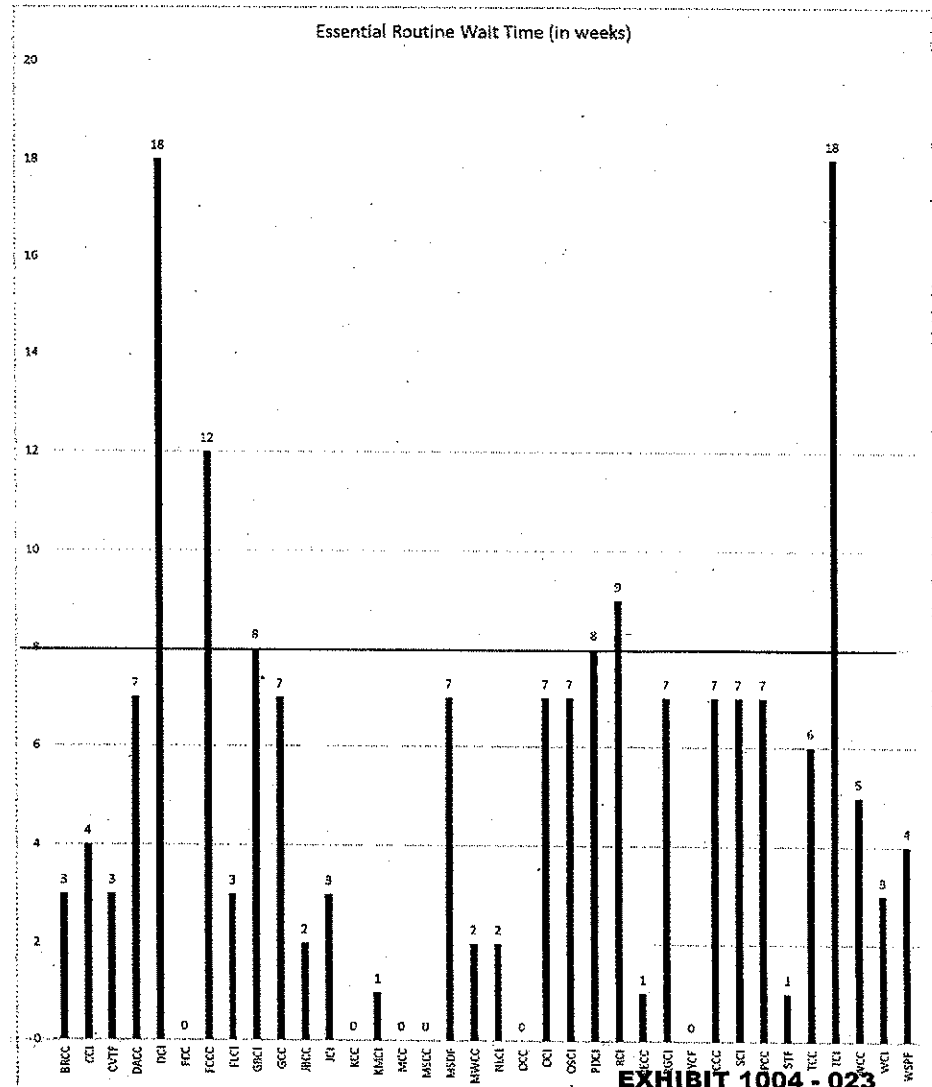
Month

Type of List

Status

8
2018
September
Essential Routine
Completed or Treated

Facility	Monthly DSR's Rec'd	Monthly Appts.	Monthly Completed	# on Wait List	Max Wait Time (in weeks)	Reached Goal?
BRCC	5	2	2	3	3	✓
CCI	18	19	19	7	4	✓
CVTF	33	32	28	5	3	✓
DACC	16	6	6	25	7	✓
DCI	16	6	6	71	18	X
FCC	1	1	1	0	0	✓
FCCC	1	3	3	1	12	X
FLCI	56	52	51	16	3	✓
GBCI	22	31	24	27	8	✓
GCC	0	1	1	1	7	✓
JBCC	5	6	6	6	2	✓
JCI	37	38	37	6	3	✓
KCC	2	2	2	0	0	✓
KMCI	4	9	9	2	1	✓
MCC	1	1	1	0	0	✓
MSCC	0	0	0	0	0	✓
MSDF	77	48	48	25	7	✓
NLCI	15	19	19	5	2	✓
OCC	4	2	2	0	0	✓
OCI	27	28	25	11	7	✓
OSCI	5	10	10	2	7	✓
PDCI	12	7	5	21	8	✓
RCI	45	52	52	44	9	X
RECC	18	16	16	1	1	✓
RDCI	14	17	17	21	7	✓
RYCF	6	7	7	0	0	✓
SCCC	0	1	1	1	7	✓
SCI	49	52	50	3	7	✓
SPCC	2	1	1	3	7	✓
STF	3	3	3	1	1	✓
TCC	4	3	3	3	6	✓
TCI	43	34	33	72	18	X
WCC	8	4	4	13	5	✓
WCI	46	42	41	4	3	✓
MWCC	3	2	2	3	2	✓
WSPF	14	13	13	4	4	✓
Statewide Totals	614	570	548	407		X 4



Dental Performance Measures

Goal (in days) = < 1

Year

2018

Month

September

Type of List *

Urgent

Status

Completed or Treated

Facility	Monthly DSR's Rec'd	Monthly Appts.	Monthly Completed	# on Wait List	Max Wait Time During Month (in days)	Reached Goal?
BRCC	0	0	0	0	0	✓
CCI	2	2	2	0	0	✓
CVTF	0	0	0	0	0	✓
DACC	14	14	14	0	0	✓
DCI	14	14	14	0	0	✓
FCC	0	0	0	0	0	✓
FGCC	0	0	0	0	0	✓
FLCI	5	5	5	0	0	✓
GBCI	1	1	1	0	0	✓
GCC	0	0	0	0	0	✓
JBCC	0	0	0	0	0	✓
JCI	28	28	28	0	0	✓
KCC	0	0	0	0	0	✓
KMCI	21	21	21	0	0	✓
MCC	0	0	0	0	0	✓
MSCC	0	0	0	0	0	✓
MSDF	8	7	7	0	0	✓
NLCI	16	16	16	0	0	✓
OCC	1	1	1	2	0	✓
OCI	2	2	2	0	0	✓
OSCI	32	31	31	3	0	✓
PDCI	25	25	25	0	0	✓
RCI	9	9	9	0	0	✓
RECC	0	0	0	0	0	✓
ROCI	6	5	5	0	0	✓
RYCF	2	2	2	0	0	✓
SCCC	0	0	0	0	0	✓
SCI	4	4	4	0	0	✓
SPCC	0	0	0	0	0	✓
STF	0	0	0	0	0	✓
TCC	0	0	0	0	0	✓
TCI	0	0	0	0	0	✓
WCC	6	4	4	0	0	✓
WCI	3	3	3	0	0	✓
MWCC	0	0	0	0	0	✓
WSPF	8	8	8	0	0	✓
Statewide Totals	208	203	203	5		X 0

Urgent Wait Time (In days)

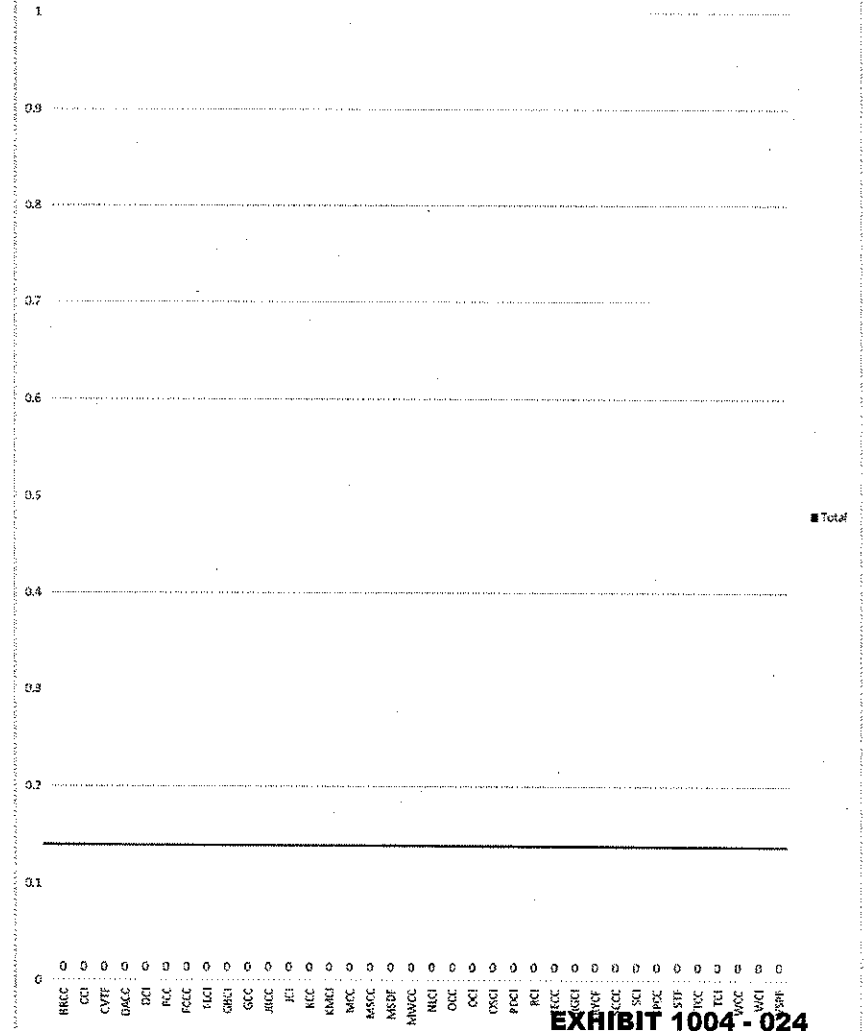


EXHIBIT 1004 - 024